

July 9, 2015

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of July 2015, at 7:00 P.M., and there were

PRESENT:                    DANIEL BEUTLER, MEMBER  
                                 JOHN BRUSO, MEMBER  
                                 JILL MONACELLI, MEMBER  
                                 JAMES PERRY, MEMBER  
                                 ARLIE SCHWAN, MEMBER  
                                 RICHARD QUINN, CHAIRMAN

ABSENT:                    LAWRENCE PIGNATARO, MEMBER

ALSO PRESENT:            JOHANNA M. COLEMAN, TOWN CLERK  
                                 KEVIN LOFTUS, DEPUTY TOWN ATTORNEY  
                                 SCOTT PEASE, ASST.CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: PAUL A. CASEY JR.**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Paul A. Casey Jr., 709 Pavement Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing an addition to an existing detached garage on premises owned by the petitioner at 709 Pavement Road, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The total area of the proposed garage is 1,032 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 282 square foot accessory structure area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The location of the proposed garage addition would result in an 8.07 foot south side yard lot line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a 15 foot lot line set back. The petitioner, therefore, requests a 6.93 foot south side yard lot line set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Paul Casey, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF PAUL A. CASEY JR.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PERRY, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. SCHWAN  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Paul A Casey Jr. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of July 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variances was thereupon **ADOPTED.**

July 9, 2015

**PETITION OF:DAVE & MICHELE HOELZL**

THE 2<sup>ND</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Dave & Michelle Hoelzl, 590 Columbia Avenue, Lancaster, New York 14086 for two [2] variances for the purpose of constructing an inground pool and fence on premises owned by the petitioners at 590 Columbia Avenue, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Columbia Avenue with an exterior side yard (considered a front yard equivalent) fronting on Kennedy Court. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Kennedy Court.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard (considered a front yard equivalent) to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 17A. (3) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Columbia Avenue with an exterior side yard [considered a front yard equivalent] fronting on Kennedy Court. The location of the pool results in a twenty-five [25] foot east exterior side yard set back on Kennedy Court.

Chapter 50, Zoning, Section 17A. (3) of the Code of the Town of Lancaster requires a thirty five [35] foot exterior side yard (considered a front yard equivalent) set back on Kennedy Court. The petitioners, therefore, request a ten [10] foot east exterior side yard set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying Village of Depew of the time and place of this public hearing.

## PERSONS ADDRESSING THE BOARD

Dave Hoelzl, Petitioner

Proponent

Michele Hoelzl, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF DAVE & MICHELE HOELZL**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. QUINN, WHO MOVED ITS  
ADOPTION, SECONDED BY MS. MONACELLI  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Dave & Michele Hoelzl and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9<sup>th</sup> day of July 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has requested clarification from the Town Engineer regarding several easements.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster, with the concurrence of the petitioner, agrees that an adjournment of this hearing is in the best interest of the Town of Lancaster and the petitioner.

**NOW, THEREFORE, BE IT**

**RESOLVED** that this hearing be adjourned to allow for further testimony and evidence to be presented as well as a review of the determination made by the Town Engineer and/or the Code Enforcement Officer with regard to several property easements.

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The motion to adjourn this hearing was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The motion was thereupon **ADOPTED**.

July 9, 2015

**PETITION OF: DANIEL & KRISTEN PALUMBO**

THE 3<sup>RD</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daniel & Kristen Palumbo, 24 Brunck Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a storage barn on premises owned by the petitioners at 24 Brunck Road, Lancaster New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1685 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioners, therefore, request a 935 square foot accessory use area variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed accessory structure is twenty-two [22] feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioners, therefore, request a six [6] foot height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Daniel Palumbo, Petitioner	Proponent
Kristen Palumbo, Petitioner	Proponent

**IN THE MATTER OF THE PETITION OF DANIEL & KRISTEN PALUMBO**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI , WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daniel & Kristen Palumbo and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of July 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.



**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	WAS ABSENT	
MR. SCHWAN	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variances was thereupon **ADOPTED.**

July 9, 2015

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was  
adjourned at 8:04 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: July 9, 2015